

P O R T A L E R

January 5, 2024

Via ECF

Honorable Philip M. Halpern
 United States District Court
 Southern District of New York
 300 Quarropas Street
 White Plains, New York 10601

Re: *DiDonna v. Maas, et al.*
 Docket No.: 22-cv-5417 (PMH)

Application granted. The deadline to file a status report concerning settlement is extended to January 19, 2024. The deadline to file any pre-motion letters and the 56.1 Statement is extended to February 16, 2024. The deadline to file any motions for summary judgment is extended to March 1, 2024.

Further, to the extent any pre-motion letters are filed, the case management conference scheduled for February 28, 2024 will be converted to a pre-motion conference.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 77.

SO ORDERED.



Philip M. Halpern
 United States District Judge

Dated: White Plains, New York
 January 5, 2024

Dear Judge Halpern:

This firm represents Defendant Constable Douglas Ketchum in the above-mentioned matter. I write today, on behalf and with consent of all defense counsel of record, to request: (1) an extension of time to file a status report concerning the parties' efforts at settlement, (2) an extension of time to file pre-motion letters in anticipation of motions for summary judgment and 56.1 Statements in support of the putative motions for summary judgment; and (3) an extension of time for Defendants to file and serve their motions for summary judgment.

Pursuant to the Court's Third Amended Civil Case Discovery Plan and Scheduling Order, the parties must file a joint letter concerning settlement/mediation no later than January 5, 2024. Following the close of discovery on December 22, 2023, pro bono and limited purpose counsel to Plaintiff withdrew their representation. Since counsel's withdrawal, we have attempted on two occasions to engage Plaintiff and requested a formal settlement demand. Plaintiff has not responded to our e-mail requests. The parties respectfully request a two-week extension of time to confer and report back to the Court regarding settlement/mediation from January 5, 2024 to January 19, 2024.

Separately, each Defendant intends to move for summary judgment and collectively respectfully request that the Court extend the pre-motion letter/56.1 Statement deadline (from January 8, 2024 to February 16, 2024) and the deadline to file motions for summary judgment (from January 22, 2024 to March 1, 2024). After conferring with defense counsel, Khalid Bashjawish (counsel to Deputies Skow and Farrand), Jessica Acosta-Pettyjohn (counsel to Trooper Stewart), and Michael Barfield (counsel to Sergeant Maas), there are various scheduling conflicts for which all Defendants request an extension of the briefing schedules. Specifically, Mr. Bashjawish advised that he begins a trial before Your Honor on January 22, 2024 and summary judgment briefing conflicts with his trial preparation; Mrs. Acosta-Pettyjohn is also scheduled for

trial in *Rodriguez v. City of New York, et al.*, 21 Civ. 8565, before the Hon. Arun Subramanian, beginning on February 12, 2024, and expected to last for three to four days, with pre-trial submissions due January 22, 2024; Mr. Barfield is scheduled for a trial from February 7-9, 2024 in which pre-trial submissions are due in January and faces several summary judgment deadlines in the coming weeks; lastly, our office faces dispositive motion deadlines, including summary judgment motions and motions to dismiss, in pending § 1983 matters in January and February 2024 that conflict with the Court's deadlines in this matter.

Given that the Defendants' proposed summary judgment briefing schedule contemplates filing of the motions on March 1, 2024, counsel for the Defendants also request that the Court adjourn the Case Management Conference scheduled for February 28, 2024.

This is the Defendants' first request to extend the summary judgment deadlines, but the Court previously granted three prior requests to extend discovery that also resulted in adjourning the deadlines to file pre-motion letters with 56.1 Statements and motions for summary judgment. Though we requested Plaintiff's consent to the instant request for an adjournment, we have not received a response to date, and thus are unaware of his position. Thank you for Your Honor's consideration of Defendants' joint request to adjourn the deadlines as set forth herein.

Respectfully submitted,



Drew W. Sumner

cc: Counsel of record via ECF

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